IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 116 (S/S) 2007

Rajendra Prasad Pandey S/o late Sri T.D. Pandey,
At present lecturer (Hindi),
G.I.C., Danya, Almora. .....Petitioner.

Versus

1. State of Uttarakhand through Secretary,
   Secondary Education, Govt. of Uttarakhand, Dehradun,
2. Director of Secondary Education,
   Uttarakhand, Dehradun,
3. Addl. Director of Secondary Education,
   Uttarakhand, Dehradun,
4. Addl. Director of Education, Kumaon Mandal,
   Nainital,
5. Sri Nandan Singh Nayal,
   At present Principal, Govt. High School,
   Lod, Almora. .....Respondents.

Sri Narayan Datt, learned Counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for State/respondent nos. 1 to 4,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Narayan Datt, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to promote the petitioner from Lecturer to Head Master of High School w.e.f. 27th December 2006 the date on which juniors to the petitioner, namely, Sri Nandan Singh Nayal was promoted from Lecturer to Head Master of High School,

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to grant all consequential benefits of pay scale of High School Head Master to the petitioner alongwith interest at 18 % per annum,

iii. Any other order or direction which this Hon'ble Court may deem fit and proper to the facts and circumstances of the case,

iv. Award the writ petition with cost.

Stand of the petitioner is that he was appointed as C.T. Grade Teacher on 07.08.1971 and was promoted to the post of Assistant Teacher L.T. Grade vide order dated 08.02.1977. Vide order dated 28th March 1988 he was promoted as Lecturer (Hindi). On 10.02.2003, the Department issued provisional seniority list of L.T. Grade Teachers and the petitioner was placed at serial no. 867. The petitioner made a representation before the Department that he has wrongly been placed at serial no. 867 as the juniors to him have been placed above him. On 22.06.2004 a final seniority list of L.T. Grade Teachers was prepared by the Department in which the name of the petitioner does not find figure. Against this mistake the petitioner moved representation and the same is still pending. In the meantime, the respondents promoted one Mr. Om Prakash Mandola on the post of Headmaster vide order dated 05.09.2006, though he was junior to the petitioner. Again the petitioner made representation on 29.9.2006 and no order was passed by the respondents on the representation of the petitioner and have further promoted two persons juniors to the petitioner, namely, Sri Nandan Singh Nayal and Sri Rajendra Singh Kathayat vide order dated 27.12.2006 on the post of Headmaster. In this respect report was also called for from the Principal concerned

about the appointment and continuation of the petitioner since 1971 and the Principle of the college has already sent the required report on 1st February 2007. However, the petitioner has not been promoted to the post of Headmaster. The petitioner has again moved a representation on 05.02.2007. The petitioner has also stated in para-11 of the writ petition that ignoring the claim and representation of the petitioner; the respondents have promoted juniors to the petitioners on the post of Headmaster of High School. The detail is illustrated in para-11 of the writ petition.

In view of the aforesaid circumstances, I think it just and proper to direct the respondent/ Director of School Education, Uttarakhand, Dehradun to take decision on the representation of the petitioner dated 05.02.2007 considering the claim of the petitioner and in case, juniors to the petitioner have already been promoted, as alleged by the petitioner, the petitioner may also be granted promotion in accordance with law within a period of two months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of . No order as to costs.

(M.M. Ghildiyal, J.)

February 23, 2007:
NCM: